

HOUSE BILL 1632  
By Brown

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 1; Title 49, Chapter 13 and Title 49,  
Chapter 6, relative to charter schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-13-106, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Public charter schools may be formed to:

(1) Provide alternatives for students in schools failing to make adequate yearly progress, as defined by the state's accountability system; public charter schools created pursuant to subdivisions (b)(2)(A) or (B) to address these needs are not subject to appeal to the state board of education.

(2) Address the unique needs of students eligible for special education services as identified by federal guidelines or provide local school systems the option to work in concert with the state's public higher education teacher training institutions, not to exceed a combined total of nine (9) sites per year. At least seventy-five percent (75%) of the prospective student population, as specified in a proposed charter with a higher education teacher training institution, must be:

(A) Students who were previously enrolled in a school failing to make adequate yearly progress, as defined by the state's accountability system; or

(B) Students who are failing to make adequate yearly progress upon initial eligibility for enrollment in the charter school, as defined by the state's accountability system; or

(C) Students who are eligible for free or reduced price school lunch programs.

Public charter schools applications designed to address these needs must be based on an agreement with the LEA and are not subject to appeal to the state board of education. However, notwithstanding the terms of any such agreement and notwithstanding any provision of this chapter or any other law to the contrary, students attending a charter school pursuant to subdivision (a)(2)(A) shall not be compelled to depart from the charter school any time prior to graduation based upon the circumstance that their previously failing school is currently deemed to be making adequate yearly progress.

(b) A public charter school may be formed by creating a new school or converting an eligible public school to charter status pursuant to the provisions of this chapter.

(1) Newly created public charter schools:

(A) The sponsor of a public charter school must file a public charter school application with the local board of education on or before November 15 of the year preceding the year in which the proposed public charter school plans to begin operation.

(B) Upon approval of a charter application, the sponsor shall authorize a governing body to operate the public charter school. A public charter school shall be operated by a not-for-profit organization with exemption from federal taxation under 501(c)(3) of the Internal Revenue Code. No charter shall be granted to a for-profit corporation.

(C)

(i) Newly created public charter schools created for the purpose stated in subdivision (a)(1) shall not exceed, statewide,

the number of schools failing to make adequate yearly progress as defined by the state's accountability system.

(ii) However, in LEAs with more than thirty (30) schools failing to make adequate yearly progress, the number of newly created public charter schools shall be limited to one-third per year the number of schools failing to make adequate yearly progress.

(2) Conversion of eligible schools to charter status:

(A) An eligible public school may convert to a public charter school pursuant to the provisions of this chapter if the parents of sixty percent (60%) of the children enrolled at the school or sixty percent (60%) of the teachers assigned to the school agree and demonstrate support by signing a petition seeking conversion and the LEA agrees to the conversion. The percentage of parents signing a petition shall be calculated on the basis of one (1) vote for each child enrolled in the school. Parents whose children are enrolled at the school shall have the option to enroll their child in another public school without penalty.

(B) A LEA may convert an eligible public school to a public charter school pursuant to subdivisions (a)(1) or (2). Parents whose children are enrolled at the school shall have the option to enroll their child in another public school without penalty.

(C)

(i) The conversion must occur at the beginning of an academic school year and shall be subject to compliance with this chapter.

(ii) At the time of conversion to a charter school, any teacher or administrator in the charter school shall be allowed to transfer into vacant positions for which they are certified in other schools in the school system prior to the hiring of new personnel for those positions. Such personnel who transfer into vacant positions in other schools in the school system shall suffer no impairment, interruption, or diminution of the rights and privileges of a then existing teacher or administrator, and such rights and privileges shall continue without impairment, interruption or diminution with the local board of education. "Rights and privileges," as used in this subdivision (b)(2)(C)(ii), include, but are not limited to, salary, pension or retirement benefits, sick leave accumulation, tenure, seniority, and contract rights with the local board of education. The director of schools shall have the option to specifically assign these teachers or administrators to those vacant positions.

(c)

(1) No charter agreement shall be granted under this chapter that authorizes the conversion of any private, parochial, cyber-based, or home-based school to charter status.

(2) No cyber-based public charter school may be authorized.

(d) Nothing in this chapter shall be construed to prohibit any individual or organization from providing funding or other assistance to the establishment or operation of a public charter school, but such funding or assistance shall not entitle the individual or organization to any ownership interest in the school other than a security interest for

repayment of a loan or mortgage. Any such funding or assistance shall be disclosed as provided in § 49-13-107(20).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.